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Pacwest Center, Suites 1600-1900
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OFFICE OF PETITIONS

In re Application of
Pugh et al.
Application No. 09/912,571
Filed: July 24, 2001
Attorney Docket No. 109870-130115

ON PETITION

This is a decision on the petition under 37 CFR 1.137(f), filed June 10, 2003, which is being treated as a petition under 37 CFR 1.137(b) to revive the above-identified application.

The petition is Granted.

Petitioner states that the instant non-provisional application is the subject of a counterpart application filed in a foreign country on March 1, 2002. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the international application.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b) (2) (B) (iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

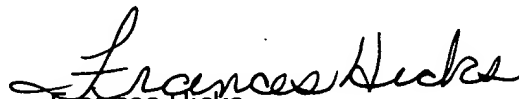
The previous Request and Certification under 35 U.S.C. § 122 (b) (2) (B) (i) has been rescinded. A Notice Regarding Rescission of Non-publication Request which sets forth the projected publication date of October 2, 2003 was mailed on June 30 2003.

The application file is being forwarded to Technology Center AU 2124 for examination in due course.

Telephone inquiries regarding this decision should be directed to Latrice Bond at (703) 308-6911.



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